431 WI/MRS
ADDRESS ONLY
THE COMMISSIONER OF PATENTS
WASHINGTON, D. C.

60788

DEPARTMENT OF THE INTERIOR

UNITED STATES PATENT OFFICE

WASHINGTON October 2, 1923.

In re application :
H.M.FARNHAM ET AL., :
Machine for Electrically :
Treating Diseases : FOR CLASSIFICATION.
Filed Nov. 24, 1922 :
Serial No.602942. :

Examiner,Division 16:

Applicant does not state any use for the so-called antenna having the grids 11 and 12. If, as appears from the circuit, such elements function only as condenser plates, the term "antenna" is far-fetched.

The device, as disclosed, is technically inoperative, as no complete secondary circuit is described and none found, in the absence of a second suitably located ground connection.

Considering 11 and 12 as condenser elements, claims 1, 4 and 5, are regarded as defining nothing patentable over

Campbell, 1,059,435, Apr. 22, 1913, 175-357 (250-37x), condenser plates at 18 being antenna grids connected by line 22 to spark 17 as a source, the winding 20 representing the transformer, which, according to usual practice, might be grounded. The leads for "Thermo-Faradic" being the shunt connection.

Alternating current on Campbell's leads 7 and 15 is the equivalent of a source of current and interrupter of claim 4. In other respects the application of the reference to this claim is the same as above given.

Fuses and switches, as in claim 5 broadly add nothing patentable over the reference.

60788

Nor is there any invention in inserting meters or making

condensers variable in oscillatory circuits, as covered by the other claims.

Details in similar cases are shown in

Mooy	1,376,081,	Apr. 26, 1921,	250-36
Strong	775,869,	Nov. 27, 1904,	250-34
Seeley	1,173,540,	Feb. 29, 1916,	250-37

Respectfully,

Examiner, Division 43.

43 WI/MRS
ADDRESS ONLY
THE COMMISSIONER OF PATENTS
WASHINGTON, D. C.

2—603

LETTER NO.

DEPARTMENT OF THE INTERIOR

UNITED STATES PATENT OFFICE

WASHINGTON October 2, 1923.

In re application :
H.M.FARNHAM ET AL., :
Machine for Electrically :
Treating Diseases : FOR CLASSIFICATION.
Filed Nov. 24, 1922 :
Serial No.602942. :

Examiner,Division 16:

Applicant does not state any use for the so-called antenna having the grids 11 and 12. If, as appears from the circuit, such elements function only as condenser plates, the term "antenna" is far-fetched.

The device, as disclosed, is technically inoperative, as no complete secondary circuit is described and none found, in the absence of a second suitably located ground connection.

Considering 11 and 12 as condenser elements, claims 1, 4 and 5, are regarded as defining nothing patentable over

Campbell, 1,059,435, Apr. 22, 1913, 175-357 (250-37x), condenser plates at 18 being antenna grids connected by line 22 to spark 17 as a source, the winding 20 representing the transformer, which, according to usual practice, might be grounded. The leads for "Thermo-Faradic" being the shunt connection.

Alternating current on Campbell's leads 7 and 15 is the equivalent of a source of current and interrupter of claim 4. In other respects the application of the reference to this claim is the same as above given.

Fuses and switches, as in claim 5 broadly add nothing patentable over the reference.

Nor is there any invention in inserting meters or making

condensers variable in oscillatory circuits, as covered by the other claims.

Details in similar cases are shown in

Mooy	1,376,081,	Apr. 26, 1921,	250-36
Strong	775,869,	Nov. 27, 1904,	250-34
Seeley	1,173,540,	Feb. 29, 1916,	250-37

Respectfully,

Examiner, Division 43.

Carpenter and Carlson.
No. 455,106, filed Mar. 24, 1921.
Electrotherapeutic Apparatus.

Farnham and Running.
No. 602,942, filed Nov. 24, 1922.
Machine for Electrically Treating Diseases.

Running, William.
No. 622,803, filed Mar. 5, 1923.
Electrical Apparatus for Treating Diseases.

August 28, 1923.

Examiner, Division 43:

In view of the existing lines between Classes 174 and 250, it is considered that these applications should remain in Division 43 for examination. Attention is called to the classification letter of March 19, 1923, in the application of Murphy, serial number 580,663, in which it was stated that "if the claims include some element or means whereby they may be applied conveniently to the body for therapeutic purposes or are in some way specifically limited to such a use, the application should be examined in Class 174."

In view of the highly technical nature of the devices of these applications, and the relation thereto of the art in Class 250, and

the obvious necessity of search of both the domestic and the foreign patents in that class, these cases should be referred to the examiner of Division 16 for a report on the state of the art in that class.

Very respectfully,

Mark L. Whitney

MLW:MS

Assistant Examiner, Classification Division.

ADDRESS ONLY
THE COMMISSIONER OF PATENTS
WASHINGTON, D. C.

2—603

LETTER NO.

CDB:GEL

DEPARTMENT OF THE INTERIOR

UNITED STATES PATENT OFFICE

WASHINGTON July 26, 1923.

assigned
8-25-23

In re applications of
G. W. Carpenter et al, 455,106.
H.M.Farnham et al, 602,942, and
William Running, 622,803.

Examiner of Classification:

Sir:

The questions raised here involve class lines.

Class 174, Electricity, Medical and Surgical, by its very title necessarily relates in part to electrical matters. Class 250, Radiant Energy, as a matter of fact, is largely electrical.

Certain electrical apparatus, designed mostly for therapeutical purposes, has been rather widely developed. The cases here in question are typical. Much of this, from an electrical standpoint, appears to be somewhat unintelligently worked out. It is surmised that often its therapeutic effects have little or no basis. However this may be, claims are presented involving generally known electrical elements along with some alleged therapeutic or physiological limitation or with certain elements whose functions are impliedly limited to therapy or diagnosis such as a body electrode. The line existing between classes on this subject-matter is such that any claims including such a limitation or element as last mentioned make their application

classifiable in Class 174; while claims to electrical apparatus without such qualifications go to the appropriate electrical class, - quite generally to Class 250-36, since these various sets usually at the present day include some sort of a generator of high frequency electrical energy that would be classifiable in 250-36.

It is thought that unless very good reasons can be adduced this line ought not to be materially departed from, because it is in fact a subject-matter line. Recent applications, however, such as those now in question have often included claims to an oscillation generator plus an electrode, - sometimes a body electrode, and sometimes more specific details of the electrode structure. The search in case of the broadly claimed electrode or even the body electrode necessarily includes Class 250-36, for sometimes such electrodes are shown, when not claimed. The undersigned is of the opinion that in the present state of the art no such combination should be allowed, unless applicant can bring himself with the exception to the doctrine of In re McNeil, - and this very step, if successful, would develop features that would remove all doubt as to the proper classification.

If there is any significance at all in the fact that the electrode is a body electrode, then it seems reasonable that the

subject-matter pertains to medical electricity.

"Electrode" is a broad term well known in the electric arts, - so much so, that it might not be productive of any confusion if claims covering it broadly in combinations with other electrical apparatus were classified in the electric art. In such combination, from an electric point of view, it would amount to mere surplusage.

Claims are bound to arise in medical electricity applications requiring search in the electrical classes, so long as the class exists, and often these electrical combinations are not discoverable in any electrical class. This is merely the same condition of affairs that exists among the electric arts themselves.

Carpenter et al has claims limited by a supposed differential effect of various frequencies on the human body. If this is material, and it must be so assumed for purposes of classification, then it pertains to subject-matter obviously coming within Class 174.

The last claim of Farnham et al includes the body electrode.

Running's claim 5 includes the human body in circuit.

It is believed that these application as they now stand should remain in Class 174.

As to the patents:-

It will be noted that claims are often drawn to mere sets of apparatus. They are generally portable sets. The arrangement is often material, and while the subject-matter is sometimes exclusively composed of electrical units, often there exists nothing novel from an electrical point of view. Sometimes, the claims are directed to the electrode itself, it being a body electrode as disclosed.

In neither the Rogers patents, nor Longoria, 1,302,391, is the body electrode positively included in the claims. Strong 775,869, may present a question, as a "hand electrode" is claimed. This may overstep the line. In other respects no material departure from the line is noted.

Respectfully,

Examiner, Division 16.

ADDRESS ONLY
THE COMMISSIONER OF PATENTS
WASHINGTON, D. C.

2—603

July 26
LETTER NO.

FMH/EMC

DEPARTMENT OF THE INTERIOR

UNITED STATES PATENT OFFICE

WASHINGTON June 27, 1923.

In re applications of
G.W.Carpenter et al.,
For Electrotherapeutic Apparatus,
Filed Mar. 24, 1921; #455106;

H.M.Farnham et al., for
Machine for Electrically Treating Diseases,
Filed Nov. 24, 1922;#602942; and

William Running, for
Electrical Apparatus for Treating Diseases,
Filed Mar. 5, 1923; #622803.

Chief of Classification Division.

Sir:-

The above entitled applications are submitted for classification with the recommendation that they be assigned to Division 16 under Class 250.

Carlson and Carpenter claim the combination of an apparatus for producing certain high frequency oscillations and means for applying the oscillations to a body. This combination is disclosed in Carlson and Hanson, 1,338,812, 178-177, and the novelty if any in these claims resides in the apparatus for producing the oscillations.

Each of the claims contains a statement that the oscillations are of a frequency above that which effects the nervous system. but it is not thought this limitation of itself would warrant classifying the claims in Class 174.

Claims 1 to 5 of Farnham & Running cover the combination of an apparatus for producing oscillations and an electrode.

In view of the previously cited patent the novelty if any in these claims resides in the apparatus for producing the oscillations. While claims 6 to 8 state"means for exciting the electronic activity of a body" they cover the apparatus for producing the oscillations.

Running claims the combination of an apparatus for producing oscillations and a device designated by him as an antenna grid by which the oscillations may be transmitted to a human body without being brought into contact with the body. It is not clear why this combination could not be used for other purposes than therapeutic.

It is believed that the apparatus for producing oscillations disclosed in each of these applications is of such a nature that it might be used for other purposes than therapeutic and could properly be classified in Class 250. It is obvious from the following statement in the general definition of Class 250 that it was intended to include in that class devices which might be employed in therapeutics.

> "This class is divided into main subdivisions as follows:
> 4. Inventions limited to the development of Electric oscillations, such as are or may be employed in wireless transmission, special ray work, electro-medicine, or electro surgery."

It is not thought that the inclusion in the claims of these application of an electrode broadly as a means for applying the circuit to a body should take the cases out of Class 250. According to our present line of classification technically, probably any combination including even a conventional electrode

should be classified in Class 174 and be treated as a therapeutic device but to follow such a course would, it is believed, tend to cause confusion. An application may contain claims to the apparatus for producing the oscillations and other claims to the apparatus plus the electrode. It is questioned whether it would be proper to require division between claims which did and claims which did not include the electrode and yet under our present line of classifying one group of claims should be classified in Division 16 and the other group in Division 43. Following such a line will result in dividing the cases and will cause an increase in the work of searching for references and interferences.

The following patents disclosing therapeutic devices are found in Class 250:

Mooy, 1,376,081; 250-36
Herdman, 1,323,472;" "
Mooy, 1,376,080 " "
Walter,1,190,490 " "
Kawakita, 1,278,675;" 37
Longoria, 1,302,391;" 36
Rogers, Reissue, 14,896; 250-36
Rogers, 1,092,398, 250-36
Strong, 775,869, " 34.

It is noted that Mooy, Herdman and Mooy all disclose therapeutic devices, Walter claims an electrotherapeutic apparatus and Kawakita, Longoria, Rogers and Strong all include in the claims some form of electrodes.

The most pertinent references found in Class 174 are:

Carlson & Hanson, 1,338,812; 174-177.
Cape, 1,390,429, 174-89.
Longoria, 1,266,287; 174-177.

Kidder,	1,127,017;	174-177.
Humphreys,	1,447,785;	174-89.
Eastman,	1,317,277;	174-"
"	1,317,278;	174-" .

There does not appear to be any line between the last group of patents found in Division 16 and the patent of Carlson & Hanson found in Division 43, and it is believed they should all be classified in the same division. The remaining patents from Class 174 cover features such as electrodes holders, structure of electrode Etc. which would properly bring the patents into Class 174.

Respectfully,

J. M. Hopkins

Examiner, Division 43.

J. M. H.

ADDRESS ONLY
THE COMMISSIONER OF PATENTS
WASHINGTON, D. C.

2—603

LETTER NO.

DEPARTMENT OF THE INTERIOR

UNITED STATES PATENT OFFICE

WASHINGTON

FMH/EMC

June 27, 1923.

In re applications of
G.W.Carpenter et al.,
For Electrotherapeutic Apparatus,
Filed Mar. 24, 1921; #455106;

H.M.Farnham et al., for
Machine for Electrically Treating Diseases,
Filed Nov. 24, 1922;#602942; and

William Running, for
Electrical Apparatus for Treating Diseases,
Filed Mar. 5, 1923; #622803.

Chief of Classification Division.

Sir:-

The above entitled applications are submitted for classification with the recommendation that they be assigned to Division 16 under Class 250.

Carlson and Carpenter claim the combination of an apparatus for producing certain high frequency oscillations and means for applying the oscillations to a body. This combination is disclosed in Carlson and Hanson, 1,338,812, 178-177, and the novelty if any in these claims resides in the apparatus for producing the oscillations.

Each of the claims contains a statement that the oscillations are of a frequency above that which effects the nervous system but it is not thought this limitation of itself would warrant classifying the claims in Class 174.

Claims 1 to 5 of Farnham & Running cover the combination of an apparatus for producing oscillations and an electrode.

In view of the previously cited patent the novelty if any in these claims resides in the apparatus for producing the oscillations. While claims 6 to 8 state"means for exciting the electronic activity of a body" they cover the apparatus for producing the oscillations.

Running claims the combination of an apparatus for producing oscillations and a device designated by him as an antenna grid by which the oscillations may be transmitted to a human body without being brought into contact with the body. It is not clear why this combination could not be used for other purposes than therapeutic.

It is believed that the apparatus for producing oscillations disclosed in each of these applications is of such a nature that it might be used for other purposes than therapeutic and could properly be classified in Class 250. It is obvious from the following statement is the general definition of Class 250 that it was intended to include in that class devices which might be employed in therapeutics.

> "This class is divided into main subdivisions as follows:
> 4. Inventions limited to the development of Electric oscillations, such as are or may be employed in wireless transmission, special ray work, electro-medicine, or electro surgery."

It is not thought that the inclusion in the claims of these application of an electrode broadly as a means for applying the circuit to a body should take the cases out of Class 250. According to our present line of classification technically, probably any combination including even a conventional electrode

should be classified in Class 174 and be treated as a therapeutic device but to follow such a course would, it is believed, tend to cause confusion. An application may contain claims to the apparatus for producing the oscillations and other claims to the apparatus plus the electrode. It is questioned whether it would be proper to require division between claims which did and claims which did not include the electrode and yet under our present line of classifying one group of claims should be classified in Division 16 and the other group in Division 43. Following such a line will result in dividing the cases and will cause an increase in the work of searching for references and interferences.

The following patents disclosing therapeutic devices are found in Class 250:

Mooy, 1,376,081; 250-36
Herdman, 1,323,472;" "
Mooy, 1,376,080 " "
Walter, 1,190,490 " "
Kawakita, 1,278,675;" 37
Longoria, 1,302,391;" 36
Rogers, Reissue, 14,896; 250-36
Rogers, 1,092,398, 250-36
Strong, 775,869, " 34.

It is noted that Mooy, Herdman and Mooy all disclose therapeutic devices, Walter claims an electrotherapeutic apparatus and Kawakita, Longoria, Rogers and Strong all include in the claims some form of electrodes.

The most pertinent references found in Class 174 are:

Carlson & Hanson, 1,338,812; 174-177.
Cape, 1,390,429, 174-89.
Longoria, 1,266,287; 174-177.

Kidder,	1,127,017;	174-177.
Humphreys,	1,447,785;	174-89.
Eastman,	1,317,277;	174-"
"	1,317,278;	174-" .

There does not appear to be any line between the last group of patents found in Division 16 and the patent of Carlson & Hanson found in Division 43, and it is believed they should all be classified in the same division. The remaining patents from Class 174 cover features such as electrode holders, structure of electrode Etc. which would properly bring the patents into Class 174.

Respectfully,

Examiner, Division 43.

Copy

Girard, T.
No. 601,612, filed Nov. 17, 1922.
Irradiation Device for Therapeutical
and Other Purposes.

June 11, 1923.

Examiner, Division 43:

The invention relates to a lamp designed for therapeutical purposes. The limitation in some of the claims to [illegible] means refers to the reflector, 5, which apparently [illegible] application to the body and therefore limits the in[illegible] apeutical uses. This seems to be sufficient to exc[illegible] from Class 240 and to warrant its retention in [illegible]

Very res[illegible]

C.L.F[illegible]

CLB:MS Assistant ~~Examiner~~, Classification [illegible]